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Technology Center 2100

In re Application of: Shay)
Application No. 10/065,775)
Attorney Docket No. I090 1010.1)
Filed: November 18, 2002)
For: SYSTEM AND METHOD FOR)
INTRUSION PREVENTION IN A)
COMMUNICATIONS NETWORK)
DECISION ON PETITION TO MAKE
SPECIAL UNDER 37 C.F.R. §1.102(d)
AND MPEP § 708.02(XI)

This is a decision on the petition to make special filed on December 23, 2002 under 37 C.F.R. § 102(d) and MPEP § 708.02 (XI): Inventions for Countering Terrorism.

The petition is **DISMISSED**.

MPEP § 708.02(XI), which sets out the prerequisites for a grantable petition for Inventions for Countering Terrorism” under 37 C.F.R. § 1.102(d), states in relevant part:

International terrorism as defined in 18 U.S.C. 2331 includes “activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping...” The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

Applicants who desire that an application relating to inventions for countering terrorism be made special should file a petition with the petition fee under 37 CFR 1.17(h) requesting the U.S. Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining how the invention contributes to countering terrorism.

Petitioners’ submission fails to meet the criteria set out with respect to countering terrorism in MPEP § 708.02(XI). The disclosed invention is generally directed to a system for providing trusted communications and preventing intrusions into computer networks. While the mentions attacks by terrorist organizations in the discussion of prior art in the “Background of the Invention”, there is no evidence in the remainder of the disclosure that the invention is specifically directed to countering terrorism. Restricting access to a computer network is not synonymous with the prevention of “violent acts or acts dangerous to human life that are a violation of the criminal laws of the United

States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State”.

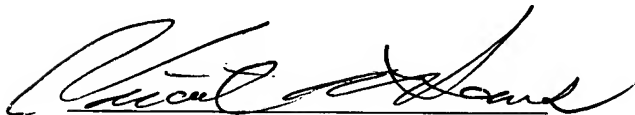
While petitioners have provided statements regarding the position of the President’s Commission on Critical Infrastructure Protection and the Institute for Security Technology Studies regarding cyber-terrorism, the relevant portions of the disclosure do not include these (or similar) statements. In fact, the disclosed invention could just as easily be implemented to prevent frivolous attacks or pranks by hackers in a computer network that is part of a non-critical infrastructure.

As a result, no advancement specifically directed to countering terrorism has been persuasively shown.

The petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision. It is suggested that applicants review MPEP § 708.02 regarding other grounds available for filing a petition to make special. In particular, note MPEP § 708.02(VIII): Accelerated Examination, which does not place limitations on the subject matter of the application.

The application is being forwarded to Technology Center 2100’s Central Files to await examination in its proper turn based on its effective filing date. Telephone inquiries regarding this decision should be directed to the undersigned at 703-305-9750.



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